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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,646	07/24/2001	Steve Walrath	APPDATA.001A	7751
20995	7590	08/09/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				POLLACK, MELVIN H
ART UNIT		PAPER NUMBER		
		2145		

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)	
	WALRATH, STEVE	
Examiner	Art Unit	
Melvin H. Pollack	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 19 May 2005.  
2a) This action is FINAL.                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-18 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on 19 May 2005 is/are: a) accepted or b) objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
    1. Certified copies of the priority documents have been received.  
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: see attached office action.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 5/19/05 have been fully considered but they are not persuasive. Further analysis of the remarks is provided below, but concern primarily the issue of limitations in the claims as currently drawn.
2. The new drawings, title, and abstract are accepted by the examiner, and the objections are thus withdrawn.
3. The 112 rejection to claim 18 is withdrawn in light of the amendment and remarks.
4. Claim 1 as currently drawn states "at least two browser components for displaying additional electronic pages within the main page... and at least one software control on the main page for selecting one of the at least two browser components to display in the browser program (P. 7, lines 15-18)." As the examiner interprets this claim, there are two components, i.e. frames, within the main page, so that a user could see frame 1 and frame 2. However, the claims as drawn do not state that both frames can or should be shown simultaneously, so long as each frame may be visible at some time. In fact, the software control indicates that you switch between frame 1 and frame 2 for viewing, and there is no limitation of a software control that allows the user to see both frames (or neither frame) at the same time.
5. Hills teaches a method of preloading frames so that they may be swapped. Fig. 2 shows a display frame and a scroll frame in which the display frame shows the current record, and the scroll frame shows the next record. When the user selects a button to show the next record, the scroll frame becomes the display frame and the display frame becomes the scroll frame, and hence the limitations as currently drawn are fulfilled.

6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "frames not hidden from the user (P. 7, lines 19-31)") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As shown above, one frame may remain hidden at each time and still anticipate the claims as drawn. There is no claim limitation stating that both frames may be visible at the same time, nor is there claim limitations regarding software controls to bring about this option.

7. For the reasons above, the rejection is maintained and therefore made final.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 2, 4-11, 13-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hills et al. (6,239,797).

10. For claims 1, 10, Hills teaches a system (abstract) for providing a distributed software application (col. 1, line 5 – col. 2, line 20), comprising:

a. A server (Fig. 1, #24) comprising a stored electronic main page (Fig. 1, #20), wherein the main page comprises at least two browser components (Fig. 2, #40) for displaying additional electronic pages within the main page (Fig. 3, #122);

- b. A client computer (Fig. 1, #32) comprising a browser program (Fig. 1, #38) configured to establish a communication link with the server (col. 2, lines 58 – col. 3, line 20) and display the stored electronic main page (col. 3, lines 35-60); and
- c. At least one software control on the main page (Fig. 2, #50 and #52) for selecting one of the at least two browser components to display in the browser program (col. 3, lines 35-60).

11. For claims 2, 11, Hills teaches that the main page is written in the Hypertext Markup Language (HTML) (col. 2, lines 1-10).

12. For claims 4, 13, Hills teaches that the browser program is the Microsoft Internet Explorer browser program (col. 2, lines 59-60).

13. For claims 5, 14, Hills teaches that the software control is an Active X control (col. 4, lines 15-20).

14. For claims 6, 15, Hills teaches that the Active X control is a command button control (Fig. 2, #52).

15. For claims 7, 16, Hills teaches that the Active X control appears as a tab within the browser program (Fig. 2, #50).

16. For claims 8, 17, Hills teaches that the software control is configured to store variable data to the client computer (col. 3, lines 22-32).

17. For claims 9, 18, Hills teaches that the at least two browser components are part of a single software control (Fig. 1, #16).

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18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hills as applied to claims 1 and 10 above, and further in view of the MSHTML API Overview.

20. For claims 3, 12, Hills does not expressly disclose that the browser components comprise the Microsoft HTML parsing and rendering engine, but does disclose functionality (Fig. 3, #132) for Internet Explorer and Active X components (see above). The overview states, "The Microsoft HTML parsing and rendering engine (MSHTML) is the main HTML component of the Microsoft Internet Explorer Web browser. It hosts Microsoft ActiveX® controls and supports the OLE Control 1996 (OC96) specification for windowless controls (P. 1, Para. 1)." At the time the invention was made, one of ordinary skill in the art would have recognized that using the IE browser and downloading Active X components requires the MSHTML component.

### ***Conclusion***

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP  
26 July 2005



RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER